

### **REMARKS**

As a result of the above amendments, claims 1-14 remain pending. Claims 1 and 8 have been amended. Applicant respectfully submits no new matter has been added by the amendment. Accordingly, Claims 1-14 are at issue.

#### **The Prior Art Does Not Disclose The Elements Of The Present Invention**

On page 3 of the July 27, 2005 Office Action, the Examiner rejected Claims 1-3, 5-7, 8-10 and 12-14 as being unpatentable over U.S. Patent Application Publication No. 2002/0029086 of Ogushi ("Ogushi") in view of U.S. Patent No. 6,230,199 to Revashetti et al. ("Revashetti"). In light of the amendments and remarks made herein, Applicant respectfully traverses that rejection.

As stated in the Reply to the April 6, 2005 Office Action, neither Ogushi nor Revashetti discloses a *periodic* querying of an automation or control device, as required by both of the independent claims of the present application (Claims 1 and 8). In that Reply, Applicant respectfully submitted that Ogushi does not disclose a periodic querying, and that Revashetti in fact teaches away from period querying (pages 6-7, Reply to April 6, 2005 Office Action).

In the July 27, 2005 Office Action, the Examiner addressed that distinction between the present application and the prior art (page 7, July 27, 2005 Office Action):

"Revashetti is an improvement over a prior art to provide that system that uses the method of the prior art for marketing software, hardware, and related product to users of computer systems (see col. 2 lines 64-67). There, the 'periodically communicating' between the client and service provider method of the prior art must be part of the Revashetti's invention."

Yet, Revashetti itself teaches away from that conclusion. According to Revashetti, the only way to initiate a scan of a client computer is manually, by either the client or the host computer (See Revashetti, col. 7, ll. 58-67). That scan is a single, one-time non-periodic scan. Moreover, Revashetti does not support the Examiner's conclusion that the period scan method "must be part

of" Revashetti's invention. Revashetti includes no disclosure that incorporates the prior art into Revashetti's invention. Lastly, in the prior art referenced by Revashetti (Application Serial No. 08/660,488), any "periodic" scan is requested by the *client computer*. In contrast to the reference art in Revashetti, in the present application a periodic scan is initiated by the device manager, regardless of its location. In short, there is no disclosure in Revashetti that the prior art referenced discloses a periodic scan by a location-independent device manager. Revashetti itself therefore does not disclose a periodic querying of a client computer. Applicant respectfully submits that neither Ogushi nor Revashetti discloses that element, and therefore Claims 1 and 8 of the present application are patentable over the combination of those references.

Notwithstanding Applicant's traversal of that rejection, Claims 1 and 8 have been herein amended to further clarify that the database is for storing data relating to requests for information regarding the device components. In the present invention, a database stores a listing of available device components. Requests for information concerning those components can be made either manually by a user, or automatically by either the client or host computer. When such a request for information is made, data relating to that request is stored by the database. Applicant respectfully submits that neither Ogushi nor Revashetti (nor any of the other prior art of record) discloses that limitation, either. For that additional reason, Applicant respectfully submits that Claims 1 and 8 of the present application are in condition for allowance.

The remaining claims of the present application are all dependent on either Claim 1 or Claim 8. Specifically, Claims 2-7 are dependent on Claim 1, and Claims 9-14 are dependent on Claim 8. Because Claims 1 and 8 are patentably distinct over the combination of Ogushi and Revashetti, the dependent claims of the application are patentably distinct over that combination for the same reasons.

### **The Proposed Combination Of Prior Art References Is Improper**

Furthermore, Applicant maintains that the combination of Ogushi and Revashetti is improper. In the Reply to the April 6, 2005 Office Action, Applicant submitted that position, but it was not addressed by the Examiner in the July 27, 2005 Office Action. The combination of those references is improper because there is no motivation or incentive in the prior art to

combine those references in the manner suggested by the Examiner. *In re Napier*, 55 F.3d 610, 613 (Fed. Cir. 1995). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where a teaching, suggestion or motivation to do so is found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347 (Fed. Cir. 1992). In the case of the present application, neither Ogushi nor Revashetti includes any motivation to combine those references in the manner suggested by the Examiner. That combination is therefore improper.

Moreover, Revashetti explicitly teaches away from the Examiner's proposed combination of that reference with Ogushi. Revashetti discloses that the software for performing the analysis of the client computer is downloaded to the client computer before execution (col. 6, ll. 34-42). Revashetti goes on to say that *not* downloading the software to the client computer is disadvantageous (col. 7, ll. 30-35). Ogushi, on the other hand, is explicit that the analysis software resides on a server, and not on the client computer (¶¶ 23, 24, 31).

Lastly, Ogushi and Revashetti are from entirely different fields, and their combination as suggested by the Examiner would not have been obvious to one of ordinary skill in the art. Ogushi is in the field of remotely monitoring factory equipment for signs of failure, whereas Revashetti is in the field of locally analyzing software to determine whether software upgrades are needed. Those fields are simply too far removed from each other for the combination of those references to have been obvious.

Revashetti teaches away from the proposed combination with Ogushi, neither reference includes any motivation to make the proposed combination, and that combination would not have been obvious to one of ordinary skill in the art. For all of those reasons, Applicant respectfully submits that the combination of Ogushi and Revashetti is improper, and respectfully requests that the § 103 rejection based on those references be withdrawn.

Application No.: 09/578,132  
Attorney Docket No.: SAA-39  
Reply to Office Action of July 27, 2005

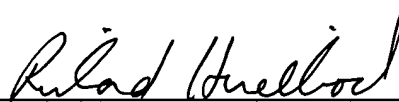
**CONCLUSION**

The cited references do not disclose all of the elements of independent Claims 1 and 8, either originally or as herein amended. Further, the proposed combination of the cited references is improper. In light of the amendments and remarks made herein, Applicant respectfully requests that the Examiner withdraw the rejections and allow the claims to issue. If it may be of assistance to contact the undersigned Attorney regarding the present invention, the Examiner is invited to do so. The Commissioner is hereby authorized to charge Deposit Account No. 23-0280 in connection with any fees associated herewith.

Respectfully submitted,

Dated: October 27, 2005

By:

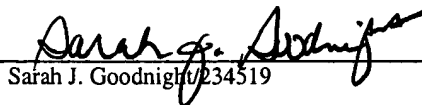


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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 27, 2005.

  
Sarah J. Goodnight/234519